

**REMARKS**

Currently claims 48-53 are pending in the above-identified application. By this Amendment, claims 48 and 51 have been amended. No claims have been cancelled and no new claims have been added.

Pursuant to the above amendments and following remarks, Applicants respectfully request the reconsideration of the outstanding rejections of the pending claims.

I. **Claim Rejections – 35 U.S.C. § 102**

The Examiner rejects claims 48, 50, 51 and 53 under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 5,767,911 to Boon (hereinafter “Boon”). This rejection is respectfully traversed.

With regards to independent claim 48, Applicants claim

A moving picture decoding apparatus, comprising:

a memory for storing a previously decoded image as reference image used for generating a prediction picture;

a prediction picture generation section, receiving indication information indicating one of a plurality of deformation methods and a motion parameter extracted from a bit stream, the prediction picture generation section identifying one of the deformation methods based on the indication information, and generating the prediction picture using the reference image based on the identified deformation method, the deformation method being applied to the reference image so as to transform a portion of the reference image geometrically; and

a decoding section for decoding a texture from the bit stream, and adding the texture to the prediction picture generated by the prediction picture generation section so as to obtain a decoded image.

Applicants respectfully assert that Boon fails to anticipate Applicants’ claimed invention, at least because Boon does not teach or suggest the claimed feature “identifying one of the deformation methods based on the indication information,” as claimed in independent claim 48.

Although the Examiner has argued Boon teaches “receiving indication information indicating one of a plurality of deformation methods (350 and 356 of Figure 3),” at Page 3, of the

Action, these elements are specifically deformation and displacement calculators. Acting as deformation and displacement calculators, elements 350 and 356 will obtain deformation and displacement parameters. See, col. 6, lines 30-35. The parameter types include shift amount data, rotation degree data, contraction data, expansion data, curve data, etc. These parameters are not indicative of one of a plurality of deformation methods as argued by the Examiner. Instead, in Boon, these parameters indicate an amount of change from a template 2010 to the target image 2014.

Accordingly, Applicants respectfully assert that independent apparatus claim 48, as well as independent method claim 51, are patentably distinct from Boon under § 102.

Claims 50 and 53 are similarly patentably distinct over Boon for at least the same basis recited above since these claims depend directly or indirectly from independent claims 48 and 51, as well as for the additional recitations contained therein.

Accordingly, Applicants respectfully request the withdrawal of the rejection of claims 48, 50, 51 and 53 under § 102(e).

## II. Claim Rejections – 35 U.S.C. § 103

The Examiner has rejected claims 48-53 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,704,360 to Haskell et al. (hereinafter “Haskell”) in view of U.S. Patent No. 5,886,742 to Hibi et al. (hereinafter “Hibi”). This rejection is respectfully traversed.

With regards to independent claim 48, as reproduced above, Applicants respectfully assert that Haskell fails to disclose each and every element of Applicants’ claimed invention, at least because Haskell does not disclose the claimed feature “identifying one of the deformation methods based on the indication information,” as claimed in independent claim 48. Instead, the system disclosed in Haskell uses the decoded VOP (video object plane) stores, 1026 and 1047. See, col. 8, lines 17-20. The stores or storage locations 1026 and 1047 require a specific decoder since their stored shape information is completely arbitrary prior to decoding.

The Examiner has applied Hibi in combination with Haskell to allegedly provide what Haskell lacks regarding transforming the reference image portion geometrically based on the deformation method. See, col. 42, lines 29-67. However, Hibi does not disclose the feature “identifying one of the deformation methods based on the indication information” as claimed in

independent claim 48. Hibi appears only to optimally assemble a predictive motion vector group from the representative motion vector. See, col. 42, lines 58-63. Hibi does not *identify one of the deformation methods based on the identification information.*

Therefore, Hibi fails to provide what is lacking with regards to Haskell to render the instant claimed invention obvious for at least the basis asserted above, with regards to independent claims 48 and 51.

With regards to claims 49-50 and 52-53, Applicants respectfully assert that these claims are patentably distinct over the asserted combination of Haskell in view of Hibi for the reasons set forth above for the independent claims.

Accordingly, Applicants respectfully request the withdrawal of the rejection of claims 48-53 under § 103 over Haskell in view Hibi.

### III. Conclusion

In view of the above amendment, Applicants believe the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact William D. Titcomb Reg. No. 46,463 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

Application No. 10/642,508  
Amendment dated May 12, 2009  
Reply to Office Action of November 13, 2008

Docket No.: 2565-0273P

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Dated: May 12, 2009

Respectfully submitted,

By \_\_\_\_\_

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